

Appln. No. 09/744,515

Amtd. date March 15, 2004

Reply to Office actions of November 13, 2003/February 5, 2004

REMARKS/ARGUMENTS

Claims 1-18 are pending in the above-referenced matter.

Claims 1-13, 15, and 17-18 are amended to further define Applicant's invention and to more concisely claim Applicant's invention as required by §112, second paragraph.

Applicant submits that the amendments place the application in condition for allowance and should therefore be entered. As further discussed below and among other things, independent claim 1 is clearly distinguishable over the primary reference, JP-9112636. Claim 1 has been amended in view of the English translation of JP-9112636, which Applicant received for the first time along with the Advisory Action dated February 5, 2004. Furthermore, because claims 2-18 depend from claim 1, they too are allowable for the same reasons as claim 1.

Please note that claims 2-13, 15, and 17-18 are identical to amended claims 2-13, 15, and 17-18 submitted in Applicant's response dated January 12, 2004 but not entered by the Examiner.

Amended claim 1 is substantially similar to amended claim 1 submitted in Applicant's January 12th response with the exception of lines 3-6, which have been added for reasons further discussed below.

As this Amendment is responsive to the Final Action November 13, 2003 and the Advisory Action of February 5, 2004, Applicant will first summarize the rejections for clarity.

Summary of Rejections

In the Final Action, claims 1-14, 17, and 18 are rejected for informalities; claims 1-9, 11, 12, 17, and 18 are rejected under §102(b) for anticipation by JP-9112636; claim 10 is rejected under §103(a) for obviousness by JP-9112636 in view of Stieg (U.S. Pat. No. 4,462,271), and claims 13-16 for obviousness by JP-9112636 in view of Patton et al. (U.S. Pat. No. 4,843,902).

Applicant's January 12, 2004 response to Final Action amended claims 1-13, 15, and 17-18 to overcome the informality rejections, to further define Applicant's invention, and to place the application in condition for allowance.

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In the February 5, 2004 Advisory Action, the Examiner refuses entry of amended claims 1-13, 15, and 17-18 and held that claims 4, 11, 12, 13, and 15 "change the scope of the claim. . . which requires further consideration and/or search". However, claims 4, 11, 12, 13, and 15 are dependent claims and depend from independent claim 1. Thus, if claim 1 is allowable over the references, then entry of claims 4, 11, 12, 13, and 15 should not raise new issues or require further consideration. The Examiner notes that "upon entry it appears that Applicant's amendments overcome the claim objections."

Whether claims 4, 11, 12, 13, and 15 should be entered or not is therefore dependent on whether claim 1 is allowable over the references, which the Examiner did address. In particular, the Examiner points out, in the Advisory Action, that "Applicant argues that JP '636 does not disclose means for supplying fluid through an exterior of the hub to a first face of the at least one piston so as to move the at least one piston in a first direction." In response to this remark, the Examiner counters that on "lines 4-10 on pg. 10 of the English translation[,] there is a description of a means (or a hydraulic pump) for supplying fluid (pressurized oil) through an exterior of the hub 41 to a first face of the at least one piston 45F, 45B so as to move (or actuate) the at least one piston in a first direction."

Accordingly, the only issue that remains is whether claim 1 is allowable over JP-9112636.

§102(b) Rejection of Claim 1 by JP-9112636

In the Advisory Action, the Examiner contends that on "lines 4-10 on pg. 10 of the English translation[,] there is a description of a means (or a hydraulic pump) for supplying fluid (pressurized oil) through an exterior of the hub 41 to a first face of the at least one piston 45F, 45B so as to move (or actuate) the at least one piston in a first direction." For completeness, the entire sentence containing the quoted passage is reproduced as follows:

Part of the lubricating oil filling the automatic transmission case 8 is suctioned and pressurized by a hydraulic pump (not shown), and upon feeding it to either an oil chamber 46F between the partitioning wall 41a and the forward clutch on/off piston 45F or an oil chamber 46B between the partitioning wall 41a and the

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backward clutch on/off piston 45B through an oil passage provided inside the forward/reverse speed-changing shaft S3, the forward clutch on/off piston 45F or backward clutch on/off piston 45B is actuated. (JP-9112636, page 10, lines 3-10).

Thus JP-9112636 discloses a transmission device wherein the lubricating oil is pressurized by a hydraulic pump and delivers inside the oil chamber "through an oil passage provided inside the forward/reverse speed-changing shaft S3". Presumably, once inside the oil chamber, the lubricating oil then travels outwardly to activate or push a piston.

Amended independent claim 1 recites a gearbox adaptor comprising a hub adapted to be engageable with a gear shaft for rotation therewith; at least one piston mounted within said hub; means for supplying fluid through at least one exterior passage on an exterior of the hub to an interior passage adjacent the at least one piston in a radially inwardly flow direction to pressurize a first face of said at least one piston so as to move said at least one piston in a first direction; at least one gear locatable on said gear shaft adjacent said hub; at least one clutch means positioned between said at least one piston and a side wall of said at least one gear, part of said at least one clutch means being engaged with said hub and a different part of said clutch means being engageable with said at least one gear; wherein said at least one gear is freely rotatable relative to said shaft, and said at least one clutch means being located and arranged such that movement of said at least one piston in said first direction inter-engages said parts of said at least one clutch means to drivingly engage said at least one gear with said gear shaft.

Applicant submits that JP-9112636 does not anticipate claim 1 under §102(b) by disclosing each and every elements and limitations recited by claim 1. Among other things, Applicant submits that JP-9112636 discloses a means for supplying lubricating oil in a reverse and contrary fashion as the recited gearbox adaptor. Whereas in the claimed gear box adaptor, the flow passage is manipulated outside the casing and then follow inwardly, in JP-9112636, complicated passages are provided on a rotating shaft for supplying lubricating oil axially through an oil passage provided inside the speed-changing shaft and then radially outwardly once inside the oil chamber. Accordingly, JP-9112636 cannot reject claim 1 by disclosing each

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and every elements and limitations recited by claim 1. Therefore, claim 1 should be entered as it places the application in condition for allowance.

Because claims 2-9, 11, 12, 17, and 18 are also rejected under §102(b) by JP-9112636 and because they depend from claim 1, they too are allowable for the same reasons as claim 1. Notice and allowance thereof are respectfully requested.

§103(a) Rejection of Claims 10 and 13-16 by JP-9112636 in view of Stieg or Patton et al.

Claims 10 and 13-16 are dependent claims and depend, either directly or indirectly, from independent claim 1. Thus, even if JP-9112636 can be combined with Stieg or Patton et al., a point which Applicant does not concede, the combination does not render claim 1 obvious, and therefore does not render claims 10 and 13-16 obvious. Among other things, neither Stieg or Patton et al. discloses or teaches modifying the lubricating oil feed system disclosed by JP-9112636. Reconsideration and a notice of allowance are respectfully requested.

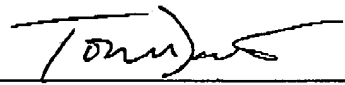
In view of the foregoing remarks and amendments, the application is believed to be in condition for allowance and allowance is respectfully requested.

Should the Examiner finds it necessary to speak with Applicant's attorney, she is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Tom H. Dao
Reg. No. 44,641
626/795-9900

THD/llb
Accompanying Documents
Amendment Transmittal
Petition for Extension of Time

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